

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Michael J. Pollack
Elaine G. Pollack

Debtors

CHAPTER 7

NATIONSTAR MORTGAGE LLC D/B/A MR.
COOPER

Movant

NO. 17-18146 AMC

vs.

Elaine G. Pollack
Michael J. Pollack

Debtors

11 U.S.C. Section 362

Gary F. Seitz

Trustee

**MOTION OF NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362**

1. Movant is NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER.

2. Debtors are the owners of the premises 2089 North Line Street, Lansdale, PA 19446 hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage in the original principal amount of \$199,500.00 on the mortgaged premises that was executed on January 29, 2004. Said mortgage was recorded on February 10, 2004 at Book 10989, Page 0430. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on August 26, 2016 at Book 14193, Page 01270 in Montgomery County. Attached hereto as Exhibit A in support of Movant's right to seek to lift the automatic stay and to foreclose on the mortgaged premises if necessary are redacted copies of the aforesaid mortgage and assignment, and the promissory note issued in connection with said mortgage.

4. Gary F. Seitz is the Trustee appointed by the Court.

5. The commencement or continuation of mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments was stayed by Debtors' filing of a Chapter 7 bankruptcy petition.

6. Debtors have failed to make the monthly mortgage payments due under the aforesaid

mortgage in the amount of \$2,044.74 per month for the months of May 2017 through November 2017 and in the amount of \$2,060.05 per month for the months of December 2017 through January 2018.

7. The total amount necessary to reinstate the loan is **\$18,433.28**.

8. In addition to being owed the aforesaid amounts, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs, as of the date hereof, in connection with seeking the relief requested in this Motion. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with the terms of the loan and mortgage, the Bankruptcy Code and other applicable law.

9. Pursuant to Debtors' Statement of Intention, the referenced property is being surrendered.

10. Based on the foregoing, Movant is entitled to relief from stay for cause

11. Furthermore, Movant's interest in the mortgaged premises is not adequately protected, and there is no equity in the mortgaged premises. Debtors' Schedules list the value of the property as \$380,604.00 and the secured claims against the property as \$631,924.00.

12. This motion and the averments contained herein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the loan and mortgage, and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the loan and mortgage terms, and current law, together with interest.

/s/ Kevin G. McDonald, Esquire

Kevin G. McDonald, Esquire

Thomas Puleo, Esquire

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Attorneys for Movant/Applicant

Dated: January 3, 2018